

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANSAR EL MUHAMMAD,
Plaintiff,
v.
KOURTNEE AMARAL, et al.,
Defendants.

No. 2: 20-cv-0069 WBS KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding pro se. On October 22, 2020, the undersigned referred this action to the Post-Screening ADR Project and stayed this action for 120 days. (ECF No. 30.) For the reasons stated herein, the stay is lifted and the undersigned recommends that this action be dismissed.

Plaintiff's complaint was filed with the court on January 9, 2020. (ECF No. 1.) This action proceeds on the amended complaint filed August 10, 2020 against defendant Kourtnee Amaral. (ECF No. 15.) Plaintiff alleges that defendant Amaral violated his Eighth Amendment right to adequate medical care and state law by failing to treat his broken hand on or around August 2018. (*Id.*)


The court's own records reveal that on April 22, 2020, plaintiff filed an amended complaint containing virtually identical allegations against defendant Amaral in 2:19-cv-1289

1 KJM CKD P.¹ Due to the duplicative nature of the present action, the court will recommend that
2 this action be dismissed. Plaintiff shall proceed with his claims against defendant Amaral in
3 2:19-cv-1289 KJM CKD P.

4 Accordingly, IT IS HEREBY ORDERED that the stay in this action is lifted; and
5 IT IS RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ.
6 P. 41(b).

7 These findings and recommendations are submitted to the District Judge assigned to this
8 case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served
9 with these findings and recommendations, plaintiff may file written objections with the court.
10 The document should be captioned “Objections to Magistrate Judge’s Findings and
11 Recommendations.” Plaintiff is advised that failure to file objections within the specified time
12 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th
13 Cir. 1991).

14 Dated: November 13, 2020

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16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE

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28 ¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d
500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).